



business. This property is located at East Avalon Drive, New Carlisle, Indiana, Hudson Twp., zoned R1B.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Larry Parmley, 8485 E. Chicago Trail, New Carlisle, Indiana.

Victoria Parmley, his wife, same address.

Dwayne Hogan asked the Parmleys what they would like to do this evening.

Mrs. Parmley said that they would like to get approval to continue to store the equipment as it comes in – they bring it in, they diagnose, order the parts, and sometimes that can take a few days to get. Mrs. Parmley said that they just need some place to store this equipment for a few days.

Dwayne Hogan asked the name of the business.

Mrs. Parmley said that it's Lake Affect Living, LLP.

Dwayne Hogan asked if they have a license and permitted.

Mrs. Parmley stated yes.

Dwayne Hogan asked Mrs. Parmley what they wanted to store across the street.

Mrs. Parmley said that it's just the larger pieces of outdoor power equipment; sometimes they get riding mowers; sometimes they get big snow blowers. Mrs. Parmley said that the shop can only hold so much. Mrs. Parmley said that sometimes they get up to ten pieces in a day. Mrs. Parmley said that they have been extremely blessed with business. Mrs. Parmley said that a lot of people in their area utilize their business.

Mrs. Parmley said that they're half rate of other places. Mrs. Parmley said that there is a lot of lower income people in their area and they've had over fourteen hundred customers in the first three years of business. Mrs. Parmley said that they just celebrated their third year anniversary August 16<sup>th</sup>, and this is the first issue they've ever had.

Dwayne Hogan asked Mrs. Parmley how many pieces of equipment they have stored outside now.

Mrs. Parmley said that it varies daily – fifteen to twenty pieces. Mrs. Parmley said that they took two large ones in this morning and got four out.

Dwayne Hogan asked Mrs. Parmley if she owns the property across the street.

Mrs. Parmley stated yes.

Dwayne Hogan asked Mrs. Parmley how big that property is.

Mrs. Parmley said that she's not exactly sure ---- she believes that it's a lot.

Mr. Parmley said that when they bought the building, they understood that lot was zoned commercial. Mr. Parmley said that it was originally a grocery store back in the 50's and 60's and it has always been a parking lot included with that business. Mr. Parmley said that he's just trying to get it legal where they can keep using commercial.

Mrs. Parmley said that when they purchased the property it said Commercial/Vacant. Mrs. Parmley said that they didn't realize they were doing anything incorrectly.

Melissa Mullins Mischke said that as far as our board is concerned, we're not going to make a decision on rezoning it from residential to commercial. Melissa said that we're just going to make a decision on whether or not you can continue to use it for your business.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 1.

Dwayne Hogan asked for name and address for the record.

Steve Forbes, 7661 Lake Park Avenue, Hudson Lake, New Carlisle. Mr. Forbes said that he hopes that the board does give this to the Parmleys --- they need the parking for their extra lawn mowers, but with the stipulation for safety reasons, that they have to construct Woodstock -- a fence around the property so kids can walk in there and not get cut by metal. Mr. Forbes said that they do have a lot of lawn mowers out there right now. Mr. Forbes said that he hopes they get it, but with a fence.

Dwayne Hogan asked for name and address for the record.

Mary Euler, 7799 North Hemlock Lane, New Carlisle. Ms. Euler said that she and her partner are looking at buying the school over there. Ms. Euler said that they have been involved in Hudson Lake Group --- getting together. Ms. Euler said that they're not a township, or a city, they're just a country group that's around the lake. Ms. Euler said that her group has one-hundred members and they're all people in the area that live nearby and they all frequent this organization and they really feel there should be no reason why they shouldn't be allowed to continue with their business, because they've seen it that way for years. Ms. Euler said that she hasn't been a resident there that long, but her partner has been there the past thirty or forty years and he's seen all kinds of vehicles out there at all times.

Ms. Euler said that the Fire Department in New Carlisle brings their equipment and a number of other agencies.

Dwayne Hogan asked if there are any other remonstrators here this evening for Petition No. 1.

Dwayne Hogan asked if there are any questions from the board.

Mrs. Parmley is up at the bench going over the site plan with the board members.

Melissa Mullins Mischke asked Mrs. Parmley how much of the items in the yard is hers versus the neighbors. Melissa said that it looks like there is a lot of stuff out there --- Melissa said that there are boats.

Mrs. Parmley said that the neighbor has a lot of stuff in her yard as well.

Mr. & Mrs. Parmley are up at the bench going over the site plan with the board members.

Mr. Parmley said that there are push mowers in the back – there are some tractors out towards the front, his trailer and some trucks.

Dwayne Hogan asked how many pieces of equipment are there right now.

Mrs. Parmley said that she would say twenty. Mrs. Parmley said that they got two zero turns in from a local landscaper this morning, and they got rid of four other pieces of equipment.

Melissa Mullins Mischke asked the normal time frame between someone leaving the equipment and picking it up once the repairs are done.

Mrs. Parmley said that they seek to have a turnaround in three days. Mrs. Parmley said that depending on the time of year and if they would have to order a specialty fuel pump, it takes two weeks to get there. Mrs. Parmley said that their goal is one day for full service ----- oil change, blades sharpened and they're out. Mrs. Parmley said that three days for repairs.

Melissa Mullins Mischke asked that the twenty pieces equipment that you have out there now, how many of them are waiting on repairs, or are being there as junk for parts and things like that.

Mr. Parmley said that fifteen are either repaired, or waiting on repairs, and five to seven are pieces that they're still stripping off and taking parts off of them.

Dwayne Hogan asked if there are any questions from the board.

Glen Minich said that the only suggestion he has is that he thinks it should be fenced. Glen said the question is, how far do you go with that.

Annemarie Polan, Building Commissioner, told Glen that is a five point intersection and she doesn't know how far you'd want to go.

Annemarie Polan, Building Commissioner, told the Parmleys that there were some trucks up there by the point and she thinks that could be a visible blockage for traffic. Annemarie asked if those were their trucks.

Mr. Parmley said that those are his.

Glen Minich said that he confirmed on the pictures that those are his and they're no longer there.

Mrs. Parmley said that they actually have a chain link fence that they could put up. Mrs. Parmley said that could be seen through.

Mr. Parmley said that he really wouldn't want to fence the whole thing because they need the parking area also. Mr. Parmley said that he would definitely fence in an area for storage of equipment.

Mrs. Parmley said that if you look at the front of the shop, there's only a little tiny area to pull a car up in the front. Mrs. Parmley said that people do pull their cars in there as well.

Glen Minich asked the Parmleys to come up to the bench and draw on the picture what they would suggest to fence in to contain this, which looks like a scrap yard. Mr. Minich said that would be something the board could entertain.

Parmleys are up at the bench going over the site plan with the board members.

Glen Minich asked what the approximate footage of that lot is.

Mr. Parmley said that he would say it's about fifty feet long and thirty feet deep.

Dwayne Hogan said that we did get a letter from a remonstrator from the trustee of Hudson Township, Joyce Forbes, who is against this.

Dwayne Hogan asked if there are any other questions from the board.

Wally Pritz asked if there could be a possibility of putting these tractors and mowers in some kind of a neat arrangement.

Mr. Parmley said that since that picture was taken, there has been quite a bit of organization going on.

Mrs. Parmley said that they would certainly do that.

Mr. Parmley said that will certainly work harder on that.

Wally Pritz asked if there are two boat out there.

Mr. Parmley said that the row boat has left and the big boat he's still working on.

Mr. Parmley said that the two row boats are gone.

Melissa Mullins Mischke asked what are the chances that you have room inside the business that some of the items that you're removing parts for can go inside.

Mr. Parmley said that right now the inside of the business is full of tractors and equipment that is being repaired.

Dwayne Hogan asked if there is a backyard to this.

Mr. Parmley said that there isn't a backyard.

Mr. Parmley said that the equipment inside the shop is torn apart and it has to stay in the shop. Mr. Parmley said that those are stored in the back room and what he calls his front room is his daily in and out.

Attorney Biege asked Mr. Parmley when he bought this property.

Mrs. Parmley said that they started off renting the property and they bought it in 2013.

Attorney Biege asked Mrs. Parmley when they started renting. Attorney Biege asked if the building that they work in and the lot across the street was rented.

Mr. Parmley stated yes.

Attorney Biege asked if before they started to rent it, was the building vacant.

Mr. Parmley said that the owner had his toys in there – classic cars.

Mrs. Parmley said that prior to that there was a tow truck company in it; prior to that there was a cabinet stain person, and prior to that it was a small engine shop.

Attorney Biege asked if this lot went with the shop.

Mrs. Parmley stated yes.

Annemarie Polan, Building Commissioner, said that the lot is zoned business, but the lot across the street is zoned residential.

Attorney Biege said that we also may have a non-conforming use that preexist in the passing of the code. Attorney Biege said that it's very close in time when we passed this code.

Mrs. Parmley said that her first day of business was August 16<sup>th</sup>, 2012.

Attorney Biege said that was after we entered the code. Attorney Biege said that this would not be grandfathered in.

Wally Pritz asked if it would be possible to take the twenty feet of the west end, which would be the Detroit Street, and that could be the push mower type storage. Wally said that way it would clean it up.

Mrs. Parmley said that she has been organizing and she is trying.

Board members speaking amongst themselves.

Glen Minich said that maybe we can re-visit this in a year to make sure it looks a little more professional and intact.

Glen Minich made a Motion that the Petition for Larry & Victoria Parmley for a Use Variance to store lawnmowers and power equipment for repair on the property across the street from the business be granted on the condition that they will construct a safety fence to keep the intact equipment and try to bring all broken down equipment inside for parts for one (1) year, at which time we will revisit this property. Glen said that if there is a clean slate and it looks good, and Annemarie says that it looks good, we will grant a continued variance for this.

Candice Nelson seconded.

Dwayne Hogan asked if there are any questions, comments, or concerns.

All approved. Motion carried 5-0.

**3. The Petition for Edward G. Klein** for a Special Exception under the provision of Article 14, Section 14.15 ©, and for a Variance from the Design Standards under Article 14, Section 14.15 © (5) and © (6), of the La Porte County Indiana Zoning Ordinance, pursuant to the provision of Article 14, Section 15.15 (b), so as to permit the construction of a new lattice Amateur Radio Service tower in an area zoned R1B,. The installation of this tower will be for private, personal use and not commercial application. This property is located at 5423 North Pawnee Trail, La Porte, Coolspring Twp., zoned R1B.

Jim Kaminski said that he's an attorney in La Porte at 916 Lincolway. Attorney Kaminski said that he represents Ed Klein, the petitioner who is also here and whose residence is located at 5423 North Pawnee Trail in La Porte. Attorney Kaminski said that he will note for you that in



addition to the notice that he provided to Mr. Biege to the adjoining landowners, three out of the four adjoining land owners have consented to this petition and the fourth owns a large vacant property out of State and they were unable to reach him.

Attorney Kaminski said that he will say that this petition is a little unusual. Attorney Kaminski said that when one looks at the master plan and you look at the definition of wireless communication towers, it's arguable whether really this use falls into that category, but in many respects the ordinance is silent about his use. Attorney Kaminski said that this use is for Mr. Klein to operate a ham operator under the Federal Communications Commission's guidelines. Attorney Kaminski said that he would be a private Ham Operator and he wants to erect an antenna of which for those of us who are old enough to remember looks like the old television antennas which you use to see throughout private residences in the past.

Attorney Kaminski said that Mr. Klein's property is zoned R1B, and again, that property classification isn't delineated clearly whether there needs a Special Exception, or not. Attorney Kaminski said that they have chosen the most conservative route to ask for a Special Exception to allow a wireless tower in the R1B classification. Attorney Kaminski said that they're also asking for a variance because the tower itself is seventy-five feet at its maximum height and in a residential area, and potentially would be over the property line of the nearest landowner.

Attorney Kaminski said that by way of background, first of all, you will see attached to their petition they followed basically the steps that a wireless communications company would have to go through to site a tower. Attorney Kaminski said that on the attached exhibits, they have attached the FCC hand license that allows Mr. Klein to operate as a Ham Operator; Exhibit C is a Structural Analysis and Design for this specific tower; it's a terrace tower with no guidewires. Attorney Kaminski said that would be erected near his residence in the backside. Attorney Kaminski said that Exhibit D has the notices that were sent in May to both the Michigan City Airport and the Michigan City Airport Authority, as well as the La Porte Airport Authority. Exhibit E they obtained the no hazard letter from the Federal Aviation Administration; Exhibit F is the Soil Report for this particular site that is required by Statute; Exhibit G Mr. Klein's drawn basic site plan for this property.

Attorney Kaminski said that to summarize this petition, first of all, there is no commercial use that will ever be contemplated by this tower. Attorney Kaminski said that it's not going to be used by any wireless communication firm; it won't be offered for sale; it won't have any colocation agreements that will be needed, because it doesn't have that use.

Attorney Kaminski said that the tower itself as he mentioned is approximately seventy-five feet in height when it's in use, but normally it will be nesting, which takes it down to forty-five feet, in other words, it's cranked up when it's in use and then when not in use, Mr. Klein would have it at the forty-five foot level. Attorney Kaminski said that at that point and time, it's within three feet of the property line if there would be a collapse of any kind caused by weather. Attorney Kaminski said that usually towers snap, they don't collapse at its entirety; even if it was at its maximum height it shouldn't impact the adjoining landowner.



Attorney Kaminski said that he believes that they believe they followed the statute in most respects even for wireless communication companies in terms of the standards that are required, and they would request that you grant the Special Exception for this use as well as the Developmental Standard Variance allowing the tower in a residential area at this particular height.

Attorney Kaminski said that he would answer any questions, and Mr. Klein could also answer any questions about Ham Radio Operations.

Dwayne Hogan told attorney Kaminski that his presentation was well done.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 3.

Dwayne Hogan asked if there are any questions, comments, or concerns of the board.

Melissa Mullins Mischke asked how large of an area is the top portion of the antenna going to take up.

Dwayne Hogan asked for name and address for the record.

Edward Klein, 5423 North Pawnee Trail, La Porte,

Mr. Klein said that the antenna tower is fifty-five feet tall and the top of the tower is five feet or so above the top of the tower is where the main antenna sits.

Melissa Mullins Mischke asked what the diameter would take up.

Mr. Klein said that the turning radius of the antenna, which is where you're probably coming at, is a little under twenty-four feet.

Dwayne Hogan asked if there are any other questions, or concerns.

Dwayne Hogan asked the pleasure of the board.

Melissa Mullins Mischke made a Motion that the Petition for Edward G. Klein for a Special Exception and also a Variance from Design Standards to construct a lattice Amateur Radio Service Tower in an area zoned R1B be granted. This property is located at 5423 North Pawnee Trail, La Porte, Coolspring Township.

Wally Pritz seconded.

Dwayne Hogan asked if there are any other questions or concerns.

All approved. Motion carried 5-0.

**4. The Petition for Homer Miller** for a Use Variance to extend his indoor flea market outside of his existing building, (Which a variance was granted on December 16, 2014, which are attached) and a Variance from Developmental Standards to construct a lean to on this property with a backside setback of forty (40') feet instead of the required fifty (50') feet. This property is located at 7022 S. US Highway 35, La Porte, Washington Twp., zoned Agricultural.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked Mr. Dillon what he would like to do this evening.

Mr. Dillon said that Mr. Miller would like to construct a lean to on his property so he can bring his flea market outdoors.

Board members speaking at one time.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 4.

Dwayne Hogan asked if there are any questions, comments, or concerns from the board.

Melissa Mullins Mischke said that she thinks that we need to do a little bit more clean up before she's willing to --- there is so much stuff.

Annemarie Polan, Building Commissioner, said that Mr. Miller was out there when she went to take the pictures and some of the pictures that she took at first are on the opposite side where he's going to put the new structure, but he did say that was going to be cleaned up -- he was in the process of cleaning this up.

Board members speaking amongst themselves.

Candice Nelson said that this is very messy and it looks like it has been like this for a while.

Mr. Dillon said that it's in the process of being cleaned up.

Dwayne Hogan asked Mr. Dillon if he's involved in the auto sales.

Mr. Dillon said that he's working on the cabinet shop.

Glen Minich said that he's not sure that Mr. Miller followed all the rules on the auto sales --- number of cars.

Candice Nelson said it's a sandwich shop.

Board members speaking amongst themselves.

Mr. Dillon told the board members if they grant the variance to put up the lien to, he will make sure that this is cleaned up.

Attorney Biege said what about the thought if the board was so inclined, that you grant it with the requirement that any material in the out yard be contained underneath the lean to.

Dwayne Hogan asked the size of the lien to.

Mr. Dillon said that it is fifteen by hundred.

Melissa Mullins Mischke said that the rest of the petition is for to construct a lien to on the property with a backside setback of forty (40') feet instead of the required fifty (50') feet. Melissa said that she's not sure where this is going.

Mr. Dillon said that it's where the semis use to be.

Melisa Mullins Mischke said that she thinks that there is plenty of space on the property to allow for that fifty (50') feet, so she is kind of opposed to giving the forty (40') feet instead of fifty (50') feet. Melissa asked Mr. Dillon if there is a specific reason behind that.

Mr. Dillon stated no.

Melissa Mullins Mischke said that there is nothing specific to this site that it's requiring forty (40') feet.

Mr. Dillon stated no.

Mr. Dillon said to give Mr. Miller thirty days to clean this up. Mr. Dillon said that at the end of the thirty days you can give him permission to operate.

Attorney Biege said that could work since he's applying for a variance of developmental standards for construction – lien to – if you're going to grant just the developmental standards variance and then table the use.

Annemarie Polan, Building Commissioner, said that Mr. Miller was given the variance for the inside, not the outside.

Attorney Biege asked about the construction of the lien to.

Annemarie Polan, Building Commissioner, said that was for the forty (40') foot setback instead of the fifty (50') foot requirement.

Board members speaking amongst themselves.

Attorney Biege said that he's inclined to say it needs a variance for the lien to, but he can't find the code section. Attorney Biege asked Annemarie if she's sure that the lien to is allowed.

Annemarie Polan, Building Commissioner, said that she believes that he can have that. Annemarie said that he's zoned Agricultural.

The Petition was amended to withdraw the Variance for Developmental Standards, which is the forty (40') foot setback instead of the required fifty (50') foot setback.

Glen Minich made a Motion that the Petition for Homer Miller for a Use Variance to extend his indoor flea market outside to a new lien to structure, which will contain "All" debris on the property and materials be granted, but the Use cannot start until it has been okayed by our Building Commissioner, Annemarie Polan, that it's all cleaned up and ready to go and withdraw the Variance for Developmental Standards for the forty (40') foot setback. Mr. Miller is given sixty days to complete the clean-up.

Candice Nelson seconded.

Dwayne Hogan asked if there are any questions, comments, or concerns.

All approved. Motion carried 5-0.

**5. The Petition for Moarine Fick** for a Variance of Developmental Standards for placement of a twenty-six (26') foot above ground swimming pool on the side yard in front of the house with a six (6') foot security "see through" fence along the front property line. This property is located at 3312 E. 400 S., La Porte, Washington Twp., zoned Agricultural on .5 acres of land.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Moarine Fick, 3312 E. 400 S., La Porte.

Dwayne Hogan asked Ms. Fick what she would like to do this evening.

Ms. Fick said that she would like to install an above ground pool on the side of her property.

Dwayne Hogan asked Ms. Fick how far it is from the road to the pool.

Ms. Fick said that it will be the ten (10') feet as required by the county. Ms. Fick said that she believes that it will be thirteen (13') feet.

Dwayne Hogan was talking about the six (6') foot security "see through" fence.

Ms. Fick said that it's going to be a black aluminum metal so it doesn't obstruct the view.

Dwayne Hogan asked if it will go all the way around it.

Ms. Fick stated yes.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 5.

Dwayne Hogan asked if there are any questions, comments, or concerns.

Melissa Mullins Mischke said that she definitely sees the reason for putting the pool on the side yard.

Melissa Mullins Mischke said that on the west side of the property there looks like there are some vehicles on that side. Melissa asked Ms. Fick if those were her vehicles.

Ms. Fick stated yes.

Melissa Mullins Mischke asked if they run.

Ms. Fick stated yes. Ms. Fick said that they're all licensed, insured and plated.

Dwayne Hogan asked Ms. Fick how many vehicles they have.

Ms. Fick said that she believes that there are four.

Ms. Fick is up at the bench going over the site plan with the board members.

Dwayne Hogan said that on the other side of the house, there seems to be a lot of stuff stored on top of the deck facing the yard.

Ms. Fick said that there is a table up there at the moment; there was a refrigerator there, but it has been removed.

Dwayne Hogan asked about a ladder.

Ms. Fick said there was a ladder up there.

Dwayne Hogan asked if there are any other questions or concerns from the board.

Candice Nelson told Ms. Fick that the property needs to be cleaned up a little bit.

Candice Nelson made a Motion that the Petition for Moarine Fick for a Variance of Developmental Standards for placement of a twenty-six (26') foot above ground swimming pool on the side yard in front of the house with a six (6') foot security "see through" fence be granted on property located at 3312 E. 400 S., La Porte, Washington Twp. Zoned Agricultural on .5 acres of land.

Glen Minich seconded.

Dwayne Hogan asked if there are any questions, comments, or concerns.

All approved. Motion carried 5-0.

**6. The Petition for Max & Lillian Thompson (sellers) and Jon Mark & Tarie L. McKnight (buyers)** for a Variance from Developmental Standards from the required two-hundred (200') feet of road frontage and to construct a two story home with detached garage on 4.585 acres of land. This property is located across from 7481 N. Emery Road, New Carlisle, Hudson Twp., zoned R1B.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Jon Mark McKnight, 55710 Brown Squirrel Drive, New Carlisle, Indiana.

Dwayne Hogan asked Mr. McKnight what he would like to do this evening.

Mr. McKnight said that he wants to build a house on four and a half acres of land without the two-hundred (200') foot of frontage.

Dwayne Hogan asked Mr. McKnight how much footage is there.

Mr. McKnight said about fifty (50') foot. Mr. McKnight said that it's an odd shaped lot; its got a lane that goes back to the four (4) acres.

Glen Minich said that he's confused. Glen told Mr. McKnight that he doesn't see where he gets the fifty (50') feet. Glen said this is a private driveway.

Mr. McKnight said that his would go up to the orange ----- Max Thompson would own to the road.

Glen Minich said that he doesn't see a road.

Mr. McKnight said that it's Emery Road ---

Glen Minich said that this is a driveway off of Emery Road.

Mr. McKnight said that's correct.

Glen Minich said that there is really no frontage.

Dwayne Hogan said there is no road for frontage. Dwayne told Mr. McKnight that he has to have a road to have frontage.

Mr. McKnight said that it's a fifty (50') foot lane that goes back.

Melissa Mullins Mischke said that she's not sure if that is a dedicated road. Melissa said that she thinks that it's a private lane that services more than one home.

Mr. McKnight is up at the bench going over the site plan with the board members.

Attorney Biege asked Mr. McKnight if he has anything showing that you have legal access over the road.

Mr. McKnight said that he has a full map.

Board members going over the map.

Glen Minich said that the driveway is not in La Porte County's road inventory.

Annemarie Polan, Building Commissioner said that it wouldn't be, it's like a private easement.

Annemarie Polan, Building Commissioner, said that this is what the variance is for. Mr. McKnight doesn't have two-hundred (200') feet.

Glen Minich said that he doesn't have anything.

Annemarie Polan, Building Commissioner, said that he's using the fifty (50') feet of that easement that is coming onto Emery Road.

Glen Minich said that he doesn't think that the drawing even shows that.

Glen Minich said that he's just concerned for the property owners back there ----- Glen said that he doesn't think that there is any true access or ownership of that road.



Board members speaking amongst themselves.

Glen Minich said that he thinks that if he was going to buy this, he would want the owner to subdivide it to create road.

Annemarie Polan, Building Commissioner, said that if the neighbors are giving him the rights to this and it's an easement, it is up to this board to say yea or nay.

Attorney Biege that he thinks that this parcel that the neighbor owns, owns the lane, and this parcel granted an easement to the two parcels in front.

Board members going over the site plan.

Attorney Biege asked Mr. McKnight if the parcel that he's looking at owns the lane.

Mr. McKnight said that the only thing that he knows is it owns the lane that is shown on that strip. Mr. McKnight said that there is probably another one-hundred (100') feet or two-hundred (200') feet to get to Emery Road that he doesn't see that he owns. Mr. McKnight said that he would be landlocked.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 6.

Glen Minich said that even the second house had to of asked for a variance to build it, because it doesn't have any frontage.

Annemarie Polan, Building Commissioner, said she doesn't know when that house was built.

Mr. McKnight said that it's all in the family; it's Brian and Max Thompson.

Glen Minich said that we can't fix a problem that was created because they thought they would never want to sell it. It's not up to the codes and standards.

Attorney Biege said that is why we have variances.

Glen Minich said that when he was out looking at this, the house that is there is actually for sale.

Mr. McKnight said that he thinks Brian's house is for sale.

Attorney Biege asked Mr. McKnight if he had a title search on this property.

Mr. McKnight said that he thinks that Ticor did something.

Attorney Biege asked Mr. McKnight if he has a pending purchase agreement.

Mr. McKnight stated yes.

Attorney Biege said that when you have a pending purchase agreement, typically they do title work; that would be helpful. Attorney Biege said that he's going to have to review this.

Board members speaking amongst themselves.

Attorney Biege said that he wants to see how they recorded this. Attorney Biege said that he needs to trace the legals to make sure that we're clear on who owns what.

Melissa Mullins Mischke made a Motion that the Petition for Max & Lillian Thompson (Sellers) and Jon Mark & Tarie McKnight (Buyers) for a Variance from Developmental Standards for the property located across from 7481 North Emery Road, New Carlisle, Hudson Twp., be tabled until September 15, 2015 meeting for additional research.

Candice Nelson seconded.

Dwayne Hogan asked if there are any other questions, or concerns.

All approved. Motion carried 5-0.

**7. The Petition for Keith & Karol Organ (Buyers) and Todd Taylor (Seller)** for a Variance from Developmental Standards to place a modular home on 4.79 acres of land with twenty-one point five (21.5) feet of road frontage instead of the required two-hundred (200') feet of road frontage. This property is located on 100 West and 300 North, in La Porte, IN., Center Twp., zoned R1B.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Karol Organ, 1104 "F" Street, La Porte, Indiana.

Dwayne Hogan asked Ms. Organ what she would like to do this evening.

Ms. Organ said that they want to get a variance to build a house – they want to purchase the land to build a house on the 4.79 acres. Ms. Organ said that they're purchasing the two parcels, and she thinks that one is twenty-one point one five (21.15) and thirty point one four (30.14) road frontage. Ms. Organ said that it's a package deal.

Glen Minich asked if they're both separate flag lots.

Ms. Organ said that she doesn't know what that means. Ms. Organ said that they're two separate parcels.

Melissa Mullins Mischke said separate owners currently.

Ms. Organ said that they're same owners of both lots.

Dwayne Hogan asked if there is twenty-one and a half (21 ½ ) feet of road frontage.

Glen Minich told Ms. Organ that she has more road frontage; you're actually going to have forty some feet of frontage.

Ms. Organ said with the two parcels.

Glen Minich asked Ms. Organ if she gave notice to the owners to the north of this parcel.

Ms. Organ stated yes.

Glen Minich asked Ms. Organ why she asked for twenty-one (21') feet of road frontage when you're actually going to get fifty (50') feet of road frontage.

Ms. Organ said that she was instructed because the house is going on the one with the four point seven nine (4.79) acres. Ms. Organ said that was what she was instructed to do for the Petition.

Melissa Mullins Mischke asked Ms. Organ if her intention is to leave the two parcels separate, or will you combine them.

Ms. Organ said that she's going to combine.

Dar Pavey told Glen Minich that what happened was Mr. Taylor didn't adjoin both properties, and that particular property only had twenty one (21') feet. That is actually what it was. Dar told Glen that Ms. Organ's intent is to combine both parcels together.

Board members speaking amongst themselves.

Glen Minich said that because it's so narrow, and that road has quite a bit of traffic because it comes out to the adjoining subdivisions, we need to clear at least fifty (50') feet so people can see cars coming in and out of the driveway.

Melissa Mullins Mischke said also the vegetation.

Glen Minich told Ms. Organ that she's going to have to clear it to bring building materials in.

Wally Pritz asked Ms. Organ if she's getting a modular home.

Ms. Organ stated yes.

Wally Pritz told Ms. Organ that she would almost have to clean that up to get the home back there.

Ms. Organ said that they were out there and they actually said that they could get it in there just as it is now.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 7.

Remonstrators:

1. Linda Lantz, 1138 West 300 North, La Porte. Ms. Lantz said that her property abuts the smaller piece to the north. Ms. Lantz said that she totally supports them being able to get this. Ms. Lantz said that the gentleman that purchased the property acreage will butt theirs and he got a variance that was fifty (50') feet for his driveway. Ms. Lantz said that this would be about the same thing. Ms. Lantz said that this is a beautiful piece of property and she would love to see somebody back there.

2. Todd Taylor, 0985 West Spring Creek Trail. Mr. Taylor said that he's the current owner of the property. Mr. Taylor said that he's been out there mowing – brush hogging, but the comments that he's heard, although he's been taking care of it legally when the grass gets too high and everything. Mr. Taylor said he thinks that the neighbors would like to see someone back there so it looks a little more presentable. Mr. Taylor said that he does get a full size truck and trailer all the way back in the property.

Glen Minich told Mr. Taylor that there are certain requirements for the driveway for this lot.

Dwayne Hogan asked if there are any other remonstrators here this evening for Petition No. 7.

Dwayne Hogan asked if there are any other questions, comments, or concerns from the board.

Melissa Mullins Mischke told Ms. Organ that she just wants to make sure that when she gets the home in place to make sure that you put reflective signs out with the address. Melissa said that with these lots that have narrow driveways that come off the road and open up in the back, it's hard to see that if you're an emergency personnel. Melissa said that she just wants to make sure that emergency vehicles could get back there if they need too.

Dwayne Hogan asked the pleasure of the board.

Wally Pritz made a Motion that the Petition for Keith & Karol Organ (buyers) and Todd Taylor (Seller) for a variance from Developmental Standards to place a module home on 4.79 acres of land with a fifty (50') foot road frontage with combined lots be

Attorney Biege told Wally that he couldn't do it that way. Attorney Biege said that we advertised for the legal for one lot. Attorney Biege said that you can approve the variance on the one lot that they petitioned for requiring that they be combined, but at twenty-one point five (21.5) feet.

Wally Pritz said that they will stay at the twenty-one point five (21.5) foot of road frontage instead of the two-hundred (200') feet of road frontage on property located on 100 West and 300 North, La Porte, Center Twp., zoned R1B and it would become the fifty (50') foot with combined two lots, with the stipulation that fifty (50') feet needs to be cleared from the road going back to this property be granted.

Attorney Biege told Ms. Organ that she is going to have to get the lots combined with the county before she gets her building permit.

Candice Nelson seconded.

Glen Minich asked if we could add one thing. Glen said that we talked about the fifty (50') clearing site from the road.

Voting Aye: Candice Nelson, Dwayne Hogan, Glen Minich and Wally Pritz.

Voting Nay: Melissa Mullins Mischke.

Motion carried 4-1.

**8. The Petition for Woodberry Park, LLC (Hugh Whitney owner)** for a Variance of Developmental Standards to construct a duplex with two (2) bedrooms on each unit (56' x 21.8') on Lot 43 in a mobile home park. This property is located at 0999 W. 650 N., La Porte, Springfield Twp., zoned R4 on two point five (2.5) acres of land.

Attorney Biege said that notice is adequate.

Dwayne Hogan asked for name and address for the record.

Denise Borkowski, 3784 East 100 South, La Porte.

Jason Looney, 0999 W. 650 North, Lot 14.

Dwayne Hogan asked them what they would like to do this evening.

Ms. Borkowski said that she is the manager for Woodberry Mobile Home Park and the owner lives in Florida. Ms. Borkowski said that they want to build a duplex consisting of two bedrooms on both ends. Ms. Borkowski said that the reason they want to do this is because a lot of the mobile homes out there are in bad shape and costs comparison wise, by the time she buys a new home, transports it, sets it up, it will be cheaper in the long run, plus this is something that would be lifelong. Ms. Borkowski said that a lot of her residence are disabled and getting

into a mobile home is difficult. Ms. Borkowski said that they're trying to improve the park by doing something like this to help disabled people.

Attorney Biege asked Ms. Borkowski if she has run this by the Health Department.

Ms. Borkowski said that she talked to Doug Williamson from the State and she had IDEM out there. Ms. Borkowski said that they sat down with Ray Rheinholtz for about two and a half hours on what they needed to do. Ms. Borkowski said that according to Doug Williamson who is from the State Health Department, he said that they're more than approved on their end.

Melissa Mullins Mischke said that she is kind of curious about how the septic and the water situation is at the park.

Ms. Borkowski said that they have their own septic system out there, which would be adequate for this.

Melissa Mullins Mischke asked Ms. Borkowski if they treat the water out there.

Ms. Borkowski said that their water isn't treated because they have artisan wells. Ms. Borkowski said that the septic is treated and they have a company that comes out every three days and they do all of their dialysis for them. Ms. Borkowski said that they have a contract with Sunset Septic to empty the septic when it needs it.

Ms. Borkowski said that their water is tested every month by the State and she is certified.

Annemarie Polan, Building Commissioner, said that she found this to be very confusing because it's zoned R4, which is for mobile home parks. Annemarie said that she knows what their intentions are.

Melissa Mullins Mischke said that mobile homes are taxed as personal property and the real estate is separate. Melissa said she doesn't know how that works, because it would be an improvement on the land, where these mobile homes are not improvements on there.

Attorney Biege said that his opinion is it should be rezoned to a PUD. Attorney Biege said that if you're going to have mixed structures in the same area, it needs to be a Planned Unit Development. Attorney Biege said that he thinks that they're okay with community sewer because the residential district allows for that.

Attorney Biege asked Ms. Borkowski if this is the only duplex they plan to build.

Ms. Borkowski said that if it goes over she wants to do more.

Dwayne Hogan asked if there are any remonstrators here this evening for Petition No. 8.

Clara Scales, 0997 W. 6540 North. Ms. Scales said that she has the property that is east of the mobile home park. Ms. Scales said that she has to say that they have done cleaning up and stuff over the past couple years. Ms. Scales said that she would like to see what these duplexes look like. Ms. Scales said that those are trailers, not mobile homes, and some of them you can walk out the back door and almost right into her fence.

Ms. Scales said that she talked to one of the tenants over there and he said that eventually they want to take all the trailers out and put these duplexes in. Ms. Scales said that she doesn't want these up against her fence.

Glen Minich said that it looks like it's going to be a one story ranch and if you would like to approach the bench to look at the drawing.

Ms. Scales is up at the bench going over the site plan.

Ms. Scales said that she has lived out there for over twenty-five years and they did have some problems with some people that lived in there.

Glen Minich asked Ms. Scales if she is east of the property.

Ms. Scales said that they are the first drive east of the mobile home.

Glen Minich told Ms. Scales said that where they're applying the first one is on the western side.

Melissa Mullins Mischke said that she's inclined to send this over to the Plan Commission.

Attorney Biege told Ms. Borkowski that they are assessed as a mobile home park. Attorney Biege said that when you build this duplex, now you have to assess that duplex, but it's not a distinct lot on the tax rules. Attorney Biege said that is why we do the PUD to separate them out.

Board members speaking amongst themselves.

Attorney Biege told Ms. Borkowski that he thinks that she really needs to get a lawyer to help you set this up. Attorney Biege said that he thinks that it sounds like a great idea, but he thinks that you have to set it up the right way. Attorney Biege told Ms. Borkowski if she doesn't, he thinks she could have some serious problems down the line.

Dwayne Hogan told Ms. Borkowski that he would highly recommend that she seeks legal counsel to come up with a game plan.



Melissa Mullins Mischke said that she wants to make sure that it's done correctly so it can be successful.

Dwayne Hogan said that he will entertain a Motion.

Candice Nelson made a Motion that the Petition for Woodberry Park, LLC and Hugh Whitney (owner) for a Variance of developmental Standards to construct the duplex with two bedrooms with one each unit on property located at 0999 W., 650 N., La Porte, Springfield Twp., zoned R4 on two point five (2.5) acres of land be denied.

Melissa Mullins Mischke seconded.

Dwayne Hogan asked if there are any other questions, comments, or concerns.

All approved. Motion carried 5-0.

Dwayne Hogan asked if there is any other business.

Annemarie Polan, Building Commissioner is up at the bench showing pictures to the board of Jon-Paul & Brittini Evans where a variance was granted a year ago for Jon-Paul and Brittini Evans to operate an auto repair shop.

Annemarie Polan, Building Commissioner, told the board members that they came up to see her about filing for September because they were given a year. Annemarie said that they wanted to know if they still had to file. Annemarie told the members that she went out there and the place is as clean as a whistle and she hasn't had one any complaints. Annemarie said that it's very well taken care of.

Attorney Biege wanted to go over the findings of facts and conclusion of law and will let Dar know if they need to come back in September.

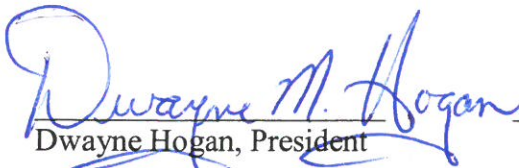
Attorney Biege said that if we granted it for a year we would have to renew it. If we granted it subject to a review, then we don't have to take any action.

Melissa Mullins Mischke made a Motion that the Petition for Jon-Paul and Brittini Evans for their auto repair business be tabled to September 15<sup>th</sup>, 2015.

Candice Nelson seconded.

All approved. Motion carried 5-0.

There being no further business before the Board of Zoning this evening, meeting adjourned at 8:50 p.m.

  
Dwayne Hogan, President

  
Annemarie Polan, Recording Secretary